

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:15-cr-00085-MR-DLH**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
(1) JAMES DEE BALL;)	
(2) KELSIE MARIE BUNCH;)	
(3) THERESA LORENE BURNS;)	
(4) ANNA MARIE POSTELL COCHRAN;)	
(5) THOMAS BART COCHRAN;)	
(6) JEREMIAH JEROME GIBBY;)	
(7) HOKE BENJAMIN CALEB HAYES;)	
(8) BRYAN KEITH JENKINS;)	
(9) RAY CHAD LEQUIRE;)	
(10) AMANDA BROOKE McKINNEY;)	
(11) MIRANDA NATIONS;)	
(12) TAMMIE LYNN PAYNE;)	
(13) BRANDI LYNN SMITH;)	
(14) GREGORY DANIEL STEEDLY; and)	
(15) CAIN HAMILTON STRICKLAND,)	
)	
Defendants.)	
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THIS MATTER is before the Court on the motions to continue filed by Defendants Kelsie Marie Burch, Thomas Bart Cochran, Jeremiah Jerome Gibby, Hoke Benjamin Caleb Hayes, Ray Chad Lequire, Miranda Nations, Brandi Smith, Gregory Daniel Steedly, and Cain Hamilton Strickland. [Docs.

213, 225, 226, 228, 230, 231, 232, 236, 237]. Defendant Anna Marie Postell Cochran moves to join her co-defendants' request for a continuance [Doc. 222]. Additionally, Defendants Theresa Lorene Burns, Anna Marie Postell Cochran, Thomas Bart Cochran, and Bryan Keith Jenkins also move for an extension of the deadline to file plea agreements in this matter. [Docs. 229, 233, 234, 235].

On September 15, 2015, the above-referenced Defendants were charged in an eleven-count Bill of Indictment with, *inter alia*, conspiracy to distribute and possess with intent to distribute a quantity of methamphetamine, in violation of 21 U.S.C. § 846. [Doc. 3]. The Defendants are currently scheduled for trial during the February 22, 2016 trial term.

Several Defendants now move for a continuance of the trial date, citing among other reasons the need for additional time to review the extensive discovery produced by the Government and to engage in plea negotiations and/or prepare for trial. The Government does not oppose the requested continuance.

For all of the reasons cited by the Defendants, the Court finds that if the requested continuance were not granted, counsel would be denied "the reasonable time necessary for effective preparation, taking into account the

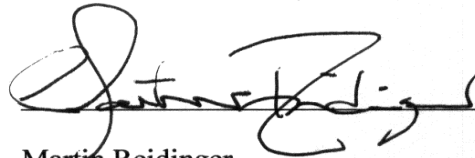
exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that failure to continue these cases would result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(7)(B)(i). Because no motion for severance has been granted, the continuance of the moving Defendants justifies the continuance of their co-defendants as well. See 18 U.S.C. § 3161(h)(6) (allowing for exclusion of “a reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted”). For the reasons stated herein, the ends of justice served by the granting of the continuance outweigh the best interests of the public and the Defendants in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

Accordingly, **IT IS, THEREFORE, ORDERED** that the motions filed by the motions to continue filed by Defendants Kelsie Marie Burch, Thomas Bart Cochran, Jeremiah Jerome Gibby, Hoke Benjamin Caleb Hayes, Ray Chad Lequire, Miranda Nations, Brandi Smith, Gregory Daniel Steedly, and Cain Hamilton Strickland. [Docs. 213, 222, 225, 226, 228, 230, 231, 232, 236, 237] are **GRANTED**, and all of the above-captioned Defendants are hereby **CONTINUED** from the February 22, 2016 term in the Asheville Division.

IT IS FURTHER ORDERED that the motions filed by Defendants Theresa Lorene Burns, Anna Marie Postell Cochran, Thomas Bart Cochran, and Bryan Keith Jenkins for an extension of the deadline to file plea agreements in this matter [Docs. 229, 233, 234, 235] is **GRANTED**. Per the Standard Arraignment Order entered in this case, the plea agreement filing deadline is extended to the third Friday before the April 25, 2016 calendar call.

IT IS SO ORDERED.

Signed: February 8, 2016


Martin Reidinger
United States District Judge

